



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/679,656

10/06/2003

Yos Kumthampinij

PRT6USA

4108

270

7590

01/20/2006

HOWSON AND HOWSON
ONE SPRING HOUSE CORPORATION CENTER
BOX 457
321 NORRISTOWN ROAD
SPRING HOUSE, PA 19477

EXAMINER

PAYNE, SHARON E

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/679,656

Applicant(s)

KUMTHAMPINIJ ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 5 and 6 are objected to because of the following informality: the phrase "whereby projection" should be "whereby the projection" in lines 6-7. Claim 6 is necessarily included due to its dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isacson (U.S. Patent 5,318,177) in view of Stillwagon (U.S. Patent 5,209,090).

Regarding claim 1, Isacson discloses a case (reference number 12), a light emitting diode (column 5, lines 30-36) mounted in the case (Fig. 2a), an electrical power source (reference number 38) also mounted in the case (Fig. 2b), and a manually operable switching device (reference number 136) for controlling delivery of electrical power from the source to the light emitting diode (Fig. 6) and a mounting clip for attachment of the flashlight to a separate article (Fig. 2c, bottom). Isacson does not disclose a projection or a recess.

Stillwagon discloses one of the case and the mounting clip having a recess (abstract), and the other of the case and the mounting clip having a projection fitting the recess with a snap fit, whereby the case can be rapidly removed from the mounting clip by manipulation for separation of the case from the mounting clip without disengagement of the mounting clip from the separate article (Fig. 2, abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Stillwagon in the apparatus of Isacson to enable the apparatus to hold liquids. See the abstract of Stillwagon.

Concerning claim 4, Isacson discloses the mounting clip having a base (reference number 22) and a loop a part of which is constituted by the base (Fig. 1). Isacson does not disclose a projection with a mating recess.

Stillwagon discloses the recess being formed in the base (Fig. 3 on the left where the projection extends, abstract), and in which the projection is a part of the case (Fig. 2, right).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Stillwagon in the apparatus of Isacson to enable the apparatus to hold liquids. See the abstract of Stillwagon.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Isacson in view of Stillwagon as applied to claim 1 above, and further in view of Menke (U.S. Patent 1,678,016).

Regarding claim 2, Isacson and Stillwagon do not specifically disclose a molded element. Menke discloses the mounting clip comprising a molded element (reference number 11, page 1 in lines 51-56) having a resilient gate (reference number 19), the gate and a part of the element forming a loop openable to receive a key ring and closable to maintain engagement of the loop with the key ring (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Menke in the apparatus of Isacson and Stillwagon to have an apparatus of simple construction. See page 1, lines 5-10, of Menke.

Concerning claim 3, Isacson and Stillwagon do not specifically disclose a unitary, molded loop. Menke discloses the mounting clip (reference number 12) as a unitary, molded element having a loop openable to receiving the key ring and closable to maintain engagement of the loop with the key ring (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Menke in the apparatus of Isacson and Stillwagon to have an apparatus of simple construction. See page 1, lines 5-10, of Menke.

Allowable Subject Matter

6. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter. The prior art does not disclose a miniature flashlight having the following features:

1) the projection having a main body and a pair of flanges, the flanges being disposed on opposite sides of the main body, and in which the recess has opposed interior side walls and retaining tabs formed on the side walls and engageable respectively with the flange whereby the projection fits the recess with a snap fit as recited in claim 5; and

2) the projection having an elongated main body and a pair of flanges, the flanges disposed on opposite sides of the main body, in which the recess has opposed interior side walls and retaining tables formed on the side walls and engageable respectively with the flanges as recited in claim 7.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sep


Sharon Payne
Patent Examiner
Technology Center 2800